

California Regional Water Quality Control Board
North Coast Region

Cleanup and Abatement Order No. R1-2006-0104

For

Camozzi Dairy

For

Dairy Waste Discharge to Washoe Creek

Sonoma County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), finds that:

1. On Wednesday, August 16, 2006, Regional Water Board staff received a complaint call regarding the discharge of dairy wastes to Washoe Creek from the Camozzi Dairy, located at 388 Meecham Road in Petaluma. The complainant alleged that a stream of dark liquid was discharging from the Camozzi dairy, flowing offsite into a county ditch along Meecham Road, and eventually discharging into the headwaters of Washoe Creek.
2. On Friday, August 18, 2006, Regional Water Board staff inspected the site and noted a dark liquid discharging from the Camozzi dairy property at a rate of approximately three gallons per minute. The liquid discharged from the dairy into the county ditch, traveled approximately 200 feet within the ditch (photograph 1) and ultimately discharged into the headwaters of Washoe Creek (photograph 3).
3. The discharge appeared to originate from the Camozzi Dairy waste storage pond. The liquid was being conveyed from the pond to the county ditch via a single-track of tilled pasture that began at the pond and traversed the pasture, terminating in a low area adjacent to the county ditch. This low area, approximately 30 feet by 30 feet in size, was noted as being saturated with a dark odiferous liquid (photograph 2).
4. A sample taken from the county ditch, downstream from the dairy property, revealed a dark liquid with an overpowering smell of ammonia, both typical of the liquid fraction of cow wastes. Evidence of significant gully erosion at the point of discharge from the dairy to the county ditch is indicative of frequent discharges of liquid via the aforementioned flowpath.
5. Staff also noted an area on the dairy where a large pile of waste pond solids had been placed after pond cleaning. The pile was adjacent to the county drainage ditch and there appeared to be no measures implemented to prevent leachate from this pile from entering the county ditch and flowing into waters of the state.

6. On Monday, August 21, 2006 staff returned to the site to perform a follow-up inspection. Staff noted that all discharges of dark liquid had ceased.
7. The creek described above is a tributary to the Laguna de Santa Rosa, which is tributary to the Russian River, and has actual and potential beneficial uses, as designated in the Water Quality Control Plan for the North Coast Region (Basin Plan), that include:
 - a. Municipal and domestic supply
 - b. Agricultural supply
 - c. Industrial supply
 - d. Industrial service supply
 - e. Groundwater recharge
 - f. Navigation
 - g. Hydropower generation
 - h. Water contact recreation
 - i. Non-contact water recreation
 - j. Commercial and sport fishing
 - k. Warm freshwater habitat
 - l. Cold freshwater habitat
 - m. Rare, threatened, or endangered species
 - n. Wildlife habitat
 - o. Migration of aquatic organisms
 - p. Spawning, reproduction, and/or early development
 - q. Estuarine habitat
 - r. Aquaculture
 - s. Wetland habitat
 - t. Flood peak attenuation/ flood water storage
 - u. Water quality enhancement
8. The Basin Plan contains specific standards and provisions for maintaining high quality waters of the state that provide for the beneficial uses listed above.
9. Section 3 of the Basin Plan contains water quality objectives that specify limitations on certain water quality parameters not to be exceeded as a result of waste discharges. The water quality objectives (pages 3-2.00 and 3-3.00) that are considered of particular importance in protecting the beneficial uses from unreasonable effects due to animal waste discharges include the following:
 - Color: Waters shall be free of coloration that causes nuisance or adversely affects beneficial uses.
 - Biostimulatory Substances: Waters shall not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses.

- Suspended Material: Waters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses.
- Settleable Material: Waters shall not contain substances in concentrations that result in deposition of material that causes nuisance or adversely affect beneficial uses.
- Toxicity: All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life.

10. The following sections of the Porter-Cologne Water Quality Control Act authorize the Regional Water Board to require persons to remediate unpermitted discharges of waste:

- Section 13267(a) - *"A regional board, in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action relating to any plan or requirement or authorized by this division, may investigate the quality of any waters of the state within its region."*
- Section 13267(b) - *"In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or proposes to discharge waste within its region...that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires."*
- Section 13267(c) - *"In conducting an investigation pursuant to subdivision (a), the regional board may inspect the facilities of any person to ascertain whether the purposes of this division are being met and waste discharge requirements are being complied with. The inspection shall be made with the consent of the owner or possessor of the facilities or, if the consent is withheld, with a warrant duly issued pursuant to the procedure set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure. However, in the event of an emergency affecting the public health or safety, an inspection may be performed without consent or the issuance of a warrant."*
- Section 13304(a) - *"Any person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts."*

11. As described above, the Camozzi Dairy has caused and threatens to cause a discharge of waste into waters of the state.
12. The observed odor and color of the waste and the nature of the material created a condition of pollution and/or nuisance. The type, quantity and manner in which the liquid was discharged caused or threatened to cause the direct loss of creek habitat and its associated functions, which is deleterious to wildlife, and other beneficial uses, and therefore violates Section 3 of the Basin Plan. The discharge of the liquid is therefore subject to cleanup and abatement under Water Code section 13304.
13. A restoration workplan required by this Order is necessary to ensure any future threat to water quality created by the discharges described above is properly abated and controlled.
14. This is an enforcement action by a regulatory agency, being taken for the protection of the environment, and is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, section 21000 et seq.) in accordance with title 14, California Code of Regulations, sections 15308 and 15321.
15. Failure to comply with the terms of this Order may result in enforcement under the Water Code. Any person failing to provide technical reports containing information required by this Order by the required date(s) or falsifying any information in the technical reports is, pursuant to Water Code section 13268, guilty of a misdemeanor and may be subject to administrative civil liabilities of up to one thousand dollars (\$1,000.00) for each day in which the violation occurs. Any person failing to cleanup or abate threatened or actual discharges as required by this Order is, pursuant to Water Code section 13350(e), subject to administrative civil liabilities of up to five thousand dollars (\$5,000.00) per day or ten dollars (\$10) per gallon of waste discharged.
16. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and title 23, California Code of Regs., section 2050. The petition must be received by the State Water Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. In addition to filing a petition with the State Water Board, any person affected by this Order may request the Regional Water Board to reconsider this Order. To be timely, such request must be made within 30 days of the date of this Order. Note that even if reconsideration by the Regional Water Board is sought, filing a petition with the State Water Board within the 30-day period is necessary to preserve the petitioner's legal rights. If you choose to request reconsideration of this Order or file a petition with the State Water Board, be advised that you must comply with the Order while your request for reconsideration and/or petition is being considered.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to Water Code sections 13267(a-c) and 13304; the Camozzi Dairy shall provide the following information and perform the following cleanup and abatement actions:

1. Submit a report by November 6, 2006, that includes the following:
 - a. The total number of dairy cows presently being managed at the dairy;
 - b. Waste storage pond volume and discussion of size relative to number of dairy cows onsite;
 - c. An investigation and chronology of events related to the unauthorized discharge;
 - d. Information on procedures that dairy personnel will take to ensure that dairy wastes are properly handled in the future in order to prevent conditions of pollution or nuisance.
2. Submit a workplan to the Regional Water Board, for Executive Officer concurrence, on or before December 6, 2006, that includes the following:
 - a. A ranch plan for proper handling of dairy wastestreams. The plan shall include tilling schedules for lands accepting wastes, rotation schedules for spray irrigation of liquid wastes, and a fall end date after which wastes will no longer be land applied prior to the start of the rain season;
 - b. A detailed plan for pond solids waste handling that prevents the discharge of this material to waters of the state.
3. Following Executive Officer written concurrence, implement the workplan. All work to satisfy this Order shall be completed before January 6, 2007.

Ordered by _____

Catherine E. Kuhlman
Executive Officer

October 6, 2006

Photograph 1 – Dark liquid discharging from Camozzi Dairy into County ditch



Photograph 2 – Photo of areas on Camozzi Dairy showing saturated field conditions



Photograph 3 – Photo of discharge into headwaters of Washoe Creek

